IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

SECOND APPEAL NO. 332 OF 1993

Kashinath Bhika Gangurde & ors. ... Appellants

V/s

Nav Maharashtra Farming Society,
Juni Shemali, Tal. Baglan, Dist.Nasik. ... Respondents

Ms. A.R.S. Baxi for the appellants.

Shri K.S. Patil holding for shri P.N. Joshi for the respondents.

CORAM: P.V. KAKADE, J.

DATED: 13TH DEC., 2004.

P.C.:

1. Heard learned counsel for both parties. Perused the record including the Court Commissioner's report as well as the map which is available for perusal of the Court.

Both the parties agree that in view of the contents of the Court Commissioner's report, the appeal can be dispoosed of in terms of the Court Commissioner's report. In this regard, it is recorded by the Court Commissioner that the land to the extent of 15 Rs from Gut No.41 is encroached upon by the owner of the land of Gut No.39/1 and 39/2/2, which is accepted by both

parties and in view of this position, the appeal stands dismissed with no order as to costs.

The order passed by the lower appellate Court, therefore, stands confirmed.

Consequently, the civil application also stands disposed of.

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